



## Legislation Details (With Text)

**File #:** 18-1846      **Version:** 1      **Name:** Kleinfelder, Inc. - NJ Licences Operator Support Services  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/30/2018      **In control:** Water Sewer Utility  
**On agenda:** 12/19/2018      **Final action:** 12/19/2018

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ☐ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Professional Services Contract  
Purpose: Professional Engineering and New Jersey State License Operator support services for Process, Operations and Maintenance Improvement Assistance and Asset Management Plan Implementation at the City's Pequannock Water Treatment Plant  
Entity Name: Kleinfelder, Inc.  
Entity Address: 321 Wall Street, Princeton, New Jersey 08540  
Contract Amount: Amount Not to Exceed \$737,370.00  
Funding Source: Department of Water and Sewer Utilities Budget  
Contract Period: One (1) Year from issuance of Notice to Proceed  
Contract Basis: ☐ Bid ☐ State Vendor ☒ Prof. Ser. ☐ EUS  
☒ Fair & Open ☐ No Reportable Contributions ☒ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:  
Proposal Solicited: Four (4)  
Proposal Received: One (1)

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/19/2018	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark requires professional engineering and New Jersey State license operator support services for Process, Operations and Maintenance Improvement Assistance and Asset Management Plan Implementation at the City's Pequannock Water Treatment Plant (PWTP), and the Department of Water and Sewer Utilities issued a Request for Proposal on October 4, 2018; and

**WHEREAS**, the Department of Water and Sewer Utilities distributed four (4) RFP packages to prospective Respondents following the date of advertisement; and

**WHEREAS**, on October 25, 2018, the Department of Water and Sewer Utilities received one (1) proposal, and the proposal received from Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, for a total amount not to exceed \$737,370.00, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to provide professional engineering and New Jersey State license operator support services for Process, Operations and Maintenance Improvement Assistance and Asset Management Plan Implementation at the City's Pequannock Water Treatment Plant, in an amount not to exceed \$737,370.00; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) requires that notice of award of contracts for "Professional Services" without competitive bidding be published in a local newspaper; and

**WHEREAS**, this contract is for an amount over \$17,500.00 and is being awarded as a fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate which certifies that Kleinfelder, Inc., has not made any reportable contributions to a political or candidates committee in the City of Newark in the previous one year, and that the contract will prohibit Kleinfelder, Inc., from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract of a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of the contract; candidate committees of the aforementioned candidates, and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Municipal Council hereby authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to accept the proposal from Civil Dynamics and to execute an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to

provide professional engineering and New Jersey State license operator support services for Process, Operations and Maintenance Improvement Assistance and Asset Management Plan Implementation at the City's Pequannock Water Treatment Plant, in an amount not to exceed \$737,370.00, for a period of one (1) year from issuance of Notice to Proceed,

2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds issued by the Director of Finance of the City of Newark which states that funds in an amount of \$25,000.00 are available in the 2018 Budget, Business Unit NW037, Department ID 750, Division/Project 7502, Account 71280, Budget Ref:2018. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the Certification of Funds along with the original Resolution and the executed Contract in the Office of the City Clerk. The remainder of \$712,370.00 in funding for this contract will be subject to appropriation in the 2019 Municipal Budget and funds will be certified prior to services being provided by the Contractor and the contract shall be subject to the availability and appropriation of sufficient funds in accordance with N.J.A.C. 5:30-5.5(c) and N.J.A.C. 5:30-5.5(d).
3. This contract was solicited and awarded pursuant to the fair and open procedures of the Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5 (1) (a) (i), and is in compliance with the City's Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C.
4. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5 (1) (a) (i) of the Local Public Contracts Law, because the performance of the service required must be performed by a person (or persons) licensed to practice a recognized engineering profession by the State of New Jersey, whose performance required knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction.
5. The Acting Director of the Department of Water and Sewer Utilities shall file a copy of the fully executed contract in the Office of the City Clerk.
6. Kleinfelder, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file in the City Clerk's Office by the Acting Director of the Department of Water and Sewer Utilities, certifying that Kleinfelder, Inc., has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit Kleinfelder, Inc., from making any reportable contributions through the term of the contract.
7. There shall be no amendment of this contract without prior approval of the Municipal Council.
8. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within 10 days of its passage.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Acting Director of the Department of Water and Sewer Utilities, to both accept the proposal, , and execute an agreement with Kleinfelder, Inc., 321 Wall Street, Princeton, New Jersey 08540, to provide professional engineering and New Jersey State license operator support services for Process, Operations and Maintenance Improvement Assistance and Asset Management Plan Implementation at the City's Pequannock Water Treatment Plant, for an amount not to exceed \$737,370.00, for a period of one (1) year from the issuance of a Notice to Proceed.